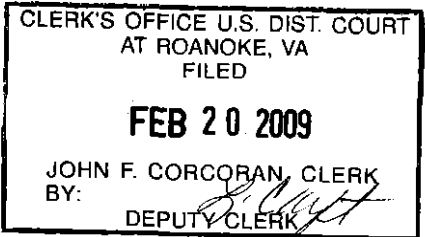


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



VINCENT EDWARD BERGER,	)	Civil Action No. 7:08-cv-00461
Petitioner,	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
WARDEN E. BARKSDALE,	)	By: Hon. James C. Turk
Respondent.	)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the respondent's motions to dismiss are **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 19<sup>th</sup> day of February, 2009.

*[Signature: James C. Turk]*  
Senior United States District Judge